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LETTER DATED 26 FEBRUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to bring to the attention of the Security Council the following points concerning the issue of the assassination attempt on the life of the President of Egypt. The Government of the Sudan wants to make its position clear to the members of the Security Council to facilitate their task in taking a fair and just decision based on factual evidence and not mere accusations.

1. The position of the Sudan concerning terrorism is as follows:

> "The Sudanese Government and people forcefully condemn terrorism in all its forms and manifestations. The Sudan believes that no reason or motive whatsoever justifies terrorist acts. The Sudan, based on these principles and values, has not allowed and will not allow its territory to be used as a source of any act of terror or to be used as a shelter for terrorists or any one who has eluded justice."

2. The Sudan is committed to all international and bilateral agreements to which it is a party. The Sudan is particularly committed to the four major international conventions elaborated to prevent and punish different forms of terrorist acts, the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and the 1964 Extradition Treaty between Ethiopia and the Sudan. The Sudan is committed to fully implementing, without any reservations, all the international, regional and bilateral legal instruments to which it is a party, in all the aspects which fall within its national jurisdiction.

3. The condemnation by the Sudan of the assassination attempt against the President of Egypt was expressed at all levels of the Sudanese Government and in many forums and on the very day it took place. The Sudan is convinced that those responsible for this heinous crime should be brought to justice.

4. The intensive and comprehensive investigations carried out by all the concerned authorities in the Sudan, under the direct supervision of the

President of the Sudan, based on the information provided by Ethiopia, proved that none of the wanted Egyptian suspects is in the Sudan.

5. The Security Council resolutions concerning the assassination attempt against the President of Egypt, resolutions 1044 (1996), 1054 (1996) and 1070 (1996), aimed at urging and requiring the Sudan to work towards the extradition of the Egyptian nationals involved in that attempt, a matter that would have been possible if they had in fact been sheltering in the Sudan. In other words the extradition element is ab initio non-existent as a matter of fact. However, to ask the Sudan to apply its national laws extraterritorially runs contrary to the international law on extradition. The Security Council resolutions do not intend to do so. The Sudan cannot be held responsible for extraditing persons not within its territorial jurisdiction.

6. The Council should consider establishing the legal basis for any decision it takes relating to this issue. To facilitate that, certain questions have to be addressed:

(a) What are the legal bases for the Council's decisions and what concrete evidence is provided to the Council, apart from mere accusations or press quotations, to make it determine the Sudan's complicity in sheltering those Egyptians who attempted to assassinate the President of Egypt? The question is posed especially in the light of the fact that the Council, in its resolution 1044 (1996), made reference to two legal instruments;

(b) What legal evidence has been established by the Council as a basis for determining that the Government of the Sudan sponsors terrorism?

7. Adopting a resolution imposing sanctions on the Sudan without investigating the issue of the presence of the suspects in the Sudan, before verification of the information implicating the Government of the Sudan and without incontrovertible evidence is put in the hands of the Council proving the complicity of the Government of the Sudan in the assassination attempt against the President of Egypt and in sponsoring terrorism, has no legal basis.

I should be grateful if you would draw the attention of the members of the Security Council to the position of my Government and have the present note circulated as a document of the Security Council.

(Signed) Elfatih M. ERWA
Permanent Representative